



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER OF  
PATENTS AND TRADEMARKS  
Washington, D.C. 20231

#4

NOV 27 1992

Peter L. Berger, et al  
Levisohn, Lerner & Berger  
757 Third Avenue - Rm. 2400  
New York, NY 10017

In re Application of :  
John B. Fenn, et al :  
Serial No. 07/911,405 : DECISION ON PETITION  
Filed: July 10, 1992 :  
For: METHOD OF PRODUCING MULTIPLY :  
CHARGED IONS AND FOR DETERMINING :  
MOLECULES WEIGHTS OF MOLECULES :  
BY USE OF THE MULTIPLY CHARGED :  
IONS OF MOLECULES :

This is a decision on the petition filed August 13, 1992,  
requesting that the above-identified application be accorded a  
filing date of July 10, 1992.

The application, which is a divisional application under 37 CFR  
1.60, was deposited on July 10, 1992. The filing included a copy  
of the prior application, but not a copy of the signed  
declaration. Effective February 27, 1983, applicant must provide  
the copy of the prior application, including a copy of the signed  
declaration, for a 37 CFR 1.60 application. Therefore,  
Application Branch mailed a Notice on August 6, 1992, requiring a  
copy of the signed declaration and stating that the filing date  
would be the date of receipt of the declaration. However, it is  
noted that prior application Serial No. 07/773,776 issued as  
Patent No. 5,130,538 on July 14, 1992. Therefore, the earlier  
filing date is necessary to establish copendency between the  
prior application and the above-identified application in order  
for the above-identified application to be considered a proper  
filing under 37 CFR 1.60.

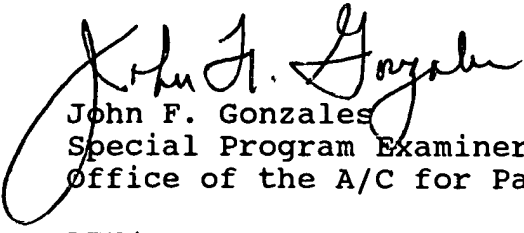
In response, on August 13, 1992, the present petition, a check  
for \$140.00 for the petition fee, and a request that the PTO  
prepare a copy of the parent application declaration were filed.

In this application, the failure to file a true copy of the  
signed declaration was an inadvertent error. A copy of the  
declaration from the parent application serial number 07/650,200,  
which is a FWC continuation of serial number 07/683,105, which,  
in turn, is a FWC continuation of serial number 07/354,393, has  
been placed in this application.

The petition is granted.

It is noted that the copy of the specification supplied by applicant is not a clean copy of the specification as it contains numerous handwritten alterations. To expedite processing, a clean copy has been prepared by this Office.

This application is being forwarded to Application Branch for further processing with a filing date of July 10, 1992, as a divisional application under 37 CFR 1.60 of prior application Serial No. 773,776, using the copy of the prior application prepared by the Office.



John F. Gonzales  
Special Program Examiner  
Office of the A/C for Patents

DTH/cpg